

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
APPLICATION

Inventor(s): LEE  
 Appln. No.: 08 | 966,233  
 Series Code ↑ | Serial No. ↑

Filed: November 7, 1997  
 Title: GDF-1 GENE (as amended)

Asst. Commissioner of Patents  
 Washington, D.C. 20231



Group Art Unit 1818  
 Examiner: M. Allen  
 Atty. Dkt. PMS 241800 | M#  
 (Our Deposit Account No. 03-3975) | Client Ref  
 (Our Order No. 20263 | 241800 | C# | M#  
 Date: April 24, 1998

LPR 24 1998

Sir:

REPLY/AMENDMENT/LETTER

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. "Small Entity" statement(s) filed		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code
<input checked="" type="checkbox"/> previously	<input type="checkbox"/> herewith						
	(No.)						
2. Total Effective Claims	15	**minus	20	0	x \$22/\$11 =	+ 0	103/203
3. Independent Claims	3	***minus	3	0	x \$82/\$41 =	+ 0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application).....		add		+ \$270/\$135 =	+		104/204
5. Original due Date:	<input checked="" type="checkbox"/> NONE						
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =				115/215
		(2 mos)	\$400/\$200 =	+			116/216
		(3 mos)	\$950/\$475 =				117/217
7. Enter any previous extension fee paid since above original due date and subtract			-				
8.				Extension Fee Attached	+		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee				+ \$110/\$55 =	+		148/248
10. If IDS attached requires Official Fee, or if Rule 97(d) Petition		add	+ \$240 =				126
		add	+ \$130 =	+			122
11. After-Final Request Fee per rules 129(a) and 17(r)				+ \$790/395 =	+		146/246
12. No. of additional inventions for examination per Rule 129(b)				x \$790/395 ea =	+		149/249
13. Petition fee for					+		
14.				TOTAL FEE ENCLOSED =	\$0		

15. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

16. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

17. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown in the heading hereof, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

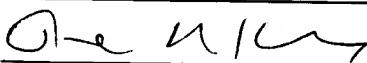
Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Madison & Sutro LLP  
 Intellectual Property Group

By Atty: Paul N. Kokulis

1100 New York Avenue, N.W.  
 Ninth Floor East Tower  
 Washington, D.C. 20005-3918  
 Tel: (202) 861-3000  
 Atty/Sec: PNK/GRT/maf

Reg. No. 16,773

Sig: 

Fax: (202) 822-0944  
 Tel: (202) 861-3503

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

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5/22/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LEE

Appln. No. 08/966,233

Group Art Unit: 1818

Filed: November 7, 1997

Examiner: M. Allen

FOR: GDF-1 GENE (as amended)

\* \* \*

April 24, 1998

**SECOND PRELIMINARY AMENDMENT**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

APR 24 1998

Sir:

Entry and consideration of the following amendment and  
remarks prior to examination are respectfully requested.

**IN THE TITLE:**

Please replace the title of the application (wherever it  
(appears) with --GDF-1 Gene--.

**REMARKS**

Claims 3, 11-15, 22 and 24-31 are pending.

The attached Rule 132 Declaration by Ted Ebendal along  
with supporting materials shows that GDF-1 protein potentiates  
the effect of neurotrophin-3 protein on neuronal fibre  
outgrowth. Such potentiation activity is also found for  
members of the TGF- $\beta$  superfamily, and it directly supports a  
finding of similarity in biological activities between GDF-1

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and other members of the TGF- $\beta$  superfamily (see pages 12-14 of the present specification). Applicant submits that such evidence refutes the allegations made by the Examiner that the specification does not teach a practical use for GDF-1.

A favorable action on the merits is earnestly requested. If any further information is required, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Cushman Darby & Cushman  
Intellectual Property Group of  
PILLSBURY MADISON & SUTRO, L.L.P.

By *Paul N. Kokulis*  
Paul N. Kokulis  
Reg. No. 16,773  
Telephone: (202) 861-3503  
Facsimile: (202) 822-0944

1100 New York Avenue, N.W.  
Ninth Floor, East Tower  
Washington, D.C. 20005-3918  
Phone: (202) 861-3000